

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Case No. 5:22-CR-00168-M

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAELO MARKELL SCALES,

Defendant.

ORDER

This matter comes before the court on an “Order” filed pro se by Defendant Jaelon Markell Scales [DE 53]. Defendant appears to challenge the constitutionality of the statute under which he was convicted, 18 U.S.C. § 922(g)(1).¹ *See id.* On April 22, 2025, the court construed the document as a “motion to vacate sentence and/or dismiss indictment” pursuant to 28 U.S.C. § 2255, and directed the Clerk of the Court to proceed accordingly, including providing Defendant, along with a copy of the order, the required form on which to submit his request for relief. *See* Order, DE 54 (citing Local Civil Rule 81.2). The court ordered Defendant to file the completed form within thirty days after he received it, or no later than May 30, 2025, and that if he failed to do so, the motion would be denied without prejudice. *See id.*

On April 29, 2025, the court received the envelope addressed to Defendant, which contained the order and § 2255 form, having been returned from the prison facility. DE 55. The Clerk noted at that time that the materials were mailed again to the Defendant. *Id.* Nothing has been filed in this case since that time.

¹The court notes that the Fourth Circuit Court of Appeals has spoken on this issue in the time since Defendant filed the pro se document. *See, e.g., United States v. Hunt*, 123 F.4th 697 (4th Cir. 2024).

Accordingly, Defendant's motion [DE 53] is DENIED WITHOUT PREJUDICE.

SO ORDERED this 29th day of October, 2025.

A handwritten signature in blue ink that reads "Richard E. Myers II". The signature is written in a cursive style with a large initial "R" and a double underline at the end.

RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE